

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL GLASER**, on February 10, 2003 at 3:00 P.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Glaser, Chairman (R)  
Sen. Bob Story Jr., Vice Chairman (R)  
Sen. Jerry W. Black (R)  
Sen. Edward Butcher (R)  
Sen. Mike Cooney (D)  
Sen. Jim Elliott (D)  
Sen. Royal Johnson (R)  
Sen. Jeff Mangan (D)  
Sen. Don Ryan (D)  
Sen. Tom Zook (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Tari Elam, Committee Secretary  
Connie Erickson, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 276, 1/30/2003; SB 279,  
2/4/2003; SB 299, 2/4/2003

Executive Action:

HEARING ON SB 276

Sponsor: SENATOR DON RYAN

Proponents: NONE

Opponents: Stephen White, Legislative Liaison, Montana  
Coalition of Home Educators (MCHE)  
Dewitt T. Black, Senior Counsel, Home School Legal  
Defense Association (HSLDA)  
Dr. Julie Bullard,  
Jeff Laszloffy, Representative, HD 22  
Ray Fuller, Principal, Private Christian School  
Louise Turner, Private School Administrator,  
Bozeman  
Earl Reimer, Valley Christian School, Missoula  
Roger Koopman, Home School Father, Bozeman  
Mike Dellwo, Principal, Cornerstone Christian  
Academy  
Becky Peck, Home Schoolers  
Paul & Cyndi Peck, Home Schooling  
John & Judy Vaccaro, Home Schooling, *in absentia*  
Dennis McElwarth, Anchor Academy, Havre  
Larry Goll, Administrator, Christ Church Academy  
Frank Witt, Home Schooling  
Jeanette Adkins, Clark Fork Valley Christian  
Group  
Drew Thompson, Home Schooling  
Joanne Nelson, Home Schooling  
Anita Klein, Home Schooling  
Joel R. Zarr, Home Schooling  
Michael Mulkski, Home Schooling  
Karen Swink, Home Schooling  
Mark & Cari Reinschmidt, Home Schooling, *in  
absentia*  
Marcia Hoard, Home Schooling  
Susan Dresser, Home Schooling  
Hannah Estell, Home Schooling  
Lani Candelora, Executive Director, Montana  
Catholic Conference  
Steven J. Wagner, Covenant Community Church  
Roxsanna Ryan, Home Schooling  
Mark D. DeGroot, Home Schooling  
Nancy Meuli, Home Schooling  
Quentin Rhoades, Attorney, Home Schooling  
Dr. Cameron Parham, Home Schooling

Rebecca Bitz, Home Schooling  
 Chris Thompson, Home Schooling  
 Janislynn Isackson, Home Schooling  
 Georgianna Estell, Home Schooling  
 Bethany Estell, Home Schooling  
 John Barbagello, Home Schooling  
 Teresa L. Chabot, Home Schooling, *in absentia*  
 Mike Fellows, Chair, Montana Libertarian Party  
 Heidi Deadmond, Home Schooling  
 Karen Webb, Home Schooling  
 Lois Gilge, Home Schooling  
 Kent Gilge, Home Schooling, *in absentia*  
 Christina Hayden, Home Schooling  
 Jeremy Siblerud, Home Schooling  
 Rachel Siblerud, Home Schooling  
 Paul Siblerud, Home Schooling, *in absentia*  
 Erling Estell, Home Schooling  
 Jonie Estell, Home Schooling, *in absentia*  
 Rich & Cindi Jarvis, Home Schooling  
 Steven T. Lloyd, Home Schooling  
 Rebecca Wahl, Home Schooling  
 Scott Wagner, Home Schooling  
 Jeff Strong, Home Schooling, Bozeman  
 Millda Freeman, Home Schooling, *in absentia*  
 Harris Hymes, Pastor, Big Sky Christian Center & Attorney  
 Tyler Stockton, Home Schooling  
 Alan Brekke, on behalf of himself  
 Cailey Anderson, Home Schooling  
 Skye Anderson, Home Schooling  
 Cathy Anderson, Home Schooling  
 Benton Anderson, Home Schooling  
 Mrs. J.M. Baber, Home Schooling  
 Eileen Guthrie, Home Schooling, *in absentia*  
 Linda Darelius, Home Schooling  
 Carol Hughes, Eagle Mountain Christian Academy  
 Karen Gillespie, Home Schooling  
 Johannah Isackson, Home Schooling  
 Jesse Anderson, Home Schooling  
 Katie Butcher, Home Schooling  
 Raven Songer, Home Schooling  
 Jeffrey Moring, Home Schooling  
 Ryan Songer, Home Schooling  
 Fred Skierka, Home Schooling  
 John Harris, Home Schooling  
 Erik Harris, Home Schooling  
 Jeanne Johnson, Home Schooling

Sherry Foth, Home Schooling  
 Earl Charles, Home Schooling  
 Hendrick Mills, Principal, Faith Christian School  
 David Wahl, Home Schooling  
 Julie Mill, Executive Director, Montana Family  
 Coalition  
 Jenny Dodge, Citizens' Network  
 David Farren, Home Schooling  
 Lisa Lord, Home Schooling  
 Jay C. Rickel, Home Schooling  
 Travis Butcher, Home Schooling  
 Rebekah Allison, Home Schooling, *in absentia*  
 Anita Songer, Home Schooling, *in absentia*  
 Cali Songer, Home Schooling, *in absentia*  
 Bobbissue Isackson, Home Schooling, *in absentia*  
 Tracy Logan Lind, Home Schooling  
 Kent Logan, Home Schooling, *in absentia*  
 Jake Lind, Home Schooling, *in absentia*  
 L. Jewell Porter, Home Schooling, *in absentia*  
 Dawn R. Logan, Home Schooling, *in absentia*  
 Ty Ogle, Home Schooling  
 Jay Rickel, Jr., Home Schooling  
 Barda Allen, Resource Center for Alternative  
 Education  
 Matt Wilson, Home Schooling, *in absentia*  
 Dana Hoffman, Home Schooling, *in absentia*  
 Levi Logan, Home Schooling  
 Tracy Rickel, Home Schooling  
 Laura Oswell, Home Schooling  
 Lane Zarr, Home Schooling  
 Colleen Turk, Home Schooling  
 Russ Wahl, Home Schooling  
 Rick & Susan Jacobs, Home Schooling, *in absentia*  
 Mike Baer, Home Schooling  
 Larry Bitz, Home Schooling  
 Ann K. Bitz, Home Schooling  
 Brooke Anderson, Home Schooling  
 Peggy Miller, Home Schooling  
 Katheryn Craig, Home Schooling  
 Mark Roedel, Home Schooling  
 Ronald Isackson, Sr., Home Schooling, *in absentia*  
 Wendy MacNeill, Home Schooling, *in absentia*  
 Greg & Kimberly Joner, Home Schooling, *in absentia*  
 Rowland & Christine Riffel, Home Schooling, *in  
 absentia*  
 Dr. & Mrs. Forrest Lanchbury, Home Schooling, *in*

***absentia***

**James & Catherine Carroll, Home Schooling, in  
*absentia***

**Emily Faber, Home Schooling, in *absentia***

**Colleen Faber, Home Schooling, in *absentia***

**Gilda Clancy, Home Schooling, in *absentia***

**Kenneth & Kathryn Kay, Home Schooling, in *absentia***

**Becky Stockton, Home Schooling, in *absentia***

**Bobbie Rossignol, Home Schooling, in *absentia***

**Georgianna Estell,, Home Schooling, in *absentia***

**Peter and Erli Martinson, Home Schooling, in  
*absentia***

**William Hay Powell, Home Schooling, in *absentia***

**Rhoda Powell, Home Schooling, in *absentia***

**Bettina Schubert, Home Schooling, in *absentia***

**Jolene J. Brush, Home Schooling, in *absentia***

**Chris Thompson, Home Schooling, in *absentia***

**Laura Oswell, Home Schooling, in *absentia***

**David & Cathie Sheldon, Home Schooling, in  
*absentia***

**Joe Schwem, Home Schooling, in *absentia***

**Shelly Bunde Videon, Home Schooling, in *absentia***

**Donald C. Brigham, Jr., Home Schooling, in  
*absentia***

**Cherilyn DeVries, Home Schooling, in *absentia***

**Informational Witnesses: NONE**

**Opening Statement by Sponsor:**

**{Tape: 1; Side: A; Approx. Time Counter: 2.5 - 31}**

**{Tape: 1; Side: B; Approx. Time Counter: 2 - 16.3}**

**SENATOR DON RYAN, SD 22, Great Falls,** brought forward a bill requiring nonpublic and home school students to complete the state assessment requirements for exemption from compulsory school enrollment, and requiring the county superintendent to administer assessment requirement to nonpublic and home school students. He stated this bill requires all Montana children to complete assessment tests as called for in the "No Child Left Behind Act." **SEN. RYAN** expressed his appreciation to all the parents and students who took the time to contact him in opposition to the bill because it demonstrates those individuals care, and emphasized he is not opposed to home schooling. In reference to the mandate created by the state's constitution, he believes home schooling is an important part of the educational

process. He outlined the various rights and responsibilities for those who choose to home school, stating he has no problem with the statutory language.

**SEN. RYAN** explained Montana law allows an individual to contact a superintendent (even by simple telephone call) stating they intend to home school their children, fill out a simple form, and the child is no longer a part of the district. No formal mechanism exists for follow-up monitoring. There is no way the state can determine if a child is receiving instruction for at least four hours per day, 180 days per year. In reference to the "No Child Left Behind Act," **SEN. RYAN** believes, in order to meet the goals of the Act, testing of students is imperative. He outlined the types of information derived from annual testing. He stated the law requires schools be held accountable for ensuring all students are learning.

**SEN. RYAN** conveyed one of the underlying issues which prompted him to bring this bill forward: a personal family story. He emphasized that he did not believe any person here tonight is representative of those who may use the law to avoid detection of abusive situations, however, the law in Montana is written in such a way so as to allow a person so inclined. He read from numerous letters in opposition and responded to the questions posed. He provided several examples of parents who have used the law to avoid social service intervention, in order to have a babysitter for younger siblings, etceteras. He does not believe those who actively participate in their children's education are the problem, it is those parents who use the law in order to achieve their own agendas.

**SEN. RYAN** explained the bill does not allow intervention in the home schooling process simply because a child does not fair well on a standardized test. The bill provides a measurement for state officials and parents. No school will be given test scores for a child being home schooled.

**SEN. RYAN** also stressed that he has repeatedly attempted to reach out to the home school association in order to improve the bill, and to seek their input. Unfortunately, not until minutes before the meeting did he receive any response.

**SEN. RYAN** also provided the Committee with information in support of his statements **EXHIBIT (eds29a01)**.

**Opponents' Testimony:**

***{Tape: 1; Side: B; Approx. Time Counter: 17.3 - 31}***

**Stephen White, Legislative Liaison, MCHE**, submitted written testimony **EXHIBIT**(eds29a02).

**Dewitt T. Black, Senior Counsel, Home School Legal Defense Association (HSLDA)**, submitted written testimony **EXHIBIT**(eds29a03).

*{Tape: 2; Side: A; Approx. Time Counter: 0.2 - 31.5}*

**Dr. Julie Bullard, Professor**, submitted written testimony **EXHIBIT**(eds29a04).

**Jeff Laszloffy, Representative, HD 22, Laurel**, stated, as the father of five home schooled children, he is in strong opposition to this bill. While he believes **SEN. RYAN's** intentions are admirable, this bill does not address those issues. He also believes the bill is the first step in a much larger agenda. He stated some children are not safe in their homes, but so too are some not safe in public schools. He respectfully requested the Committee table the bill as quickly as possible.

**Ray Fuller, Principal, Private Christian School**, stated he is opposed to the bill for several reasons. First, he objects politically because he is an American, a country founded on the principles of freedom. He stated the bill is an attempt to place the control of a child's education in the hands of the state, while the principles of freedom give it solely to the parent. Giving this control to the state is an aspect of socialism. Second, he objects to the bill on philosophical grounds. He does not see a reason for giving oversight authority for a system that is doing well to a system that is failing. He provided examples of how Montana's publically schooled children are doing with regard to standardized tests, and emphasized the children in his private school are doing substantially better. He urged the Committee not allow the bill to become law.

**Louise Turner, Private School Administrator, Bozeman**, submitted written tesimony **EXHIBIT**(eds29a05).

**Earl Reimer, Valley Christian School, Missoula**, conveyed opposition to the bill. He stated he does not believe the "No Child Left Behind Act" is addressing concerns arising from home schooling. He also stated home school parents are both state taxes and for the private evaluations of their children, indicating this is double what others pay. He urged the Committee oppose the bill, and any bill which allows state intrusion into the home.

**Roger Koopman, Home School Father, Bozeman,** submitted written testimony **EXHIBIT(eds29a06)**.

**Mike Dellwo, Principal, Cornerstone Christian Academy,** testified his organization is in opposition to this legislation. He stated his school was started because several parents in the Helena area wanted to provide their children with a Christ-centered education without the involvement of government. He briefly outlined the approach and success of his organization. **Mr. Dellwo,** also provided the Committee with information on the **Cornerstone Academy;** inclusive of, a handbook, academic calendar, and three years of testing scores **EXHIBIT(eds29a07)**.

*{Tape: 2; Side: B; Approx. Time Counter: 1.3 - 31}*

**Becky Peck, Home Schooling,** submitted written testimony **EXHIBIT(eds29a08)**.

**Paul & Cyndi Peck, Home Schooling,** submitted written testimony **EXHIBIT(eds29a09)**. **Ms. Peck** also submitted testimony on behalf of **John & Judy Vaccaro.**

**John & Judy Vaccaro, Home Schooling, in absentia,** submitted written testimony **EXHIBIT(eds29a10)**.

**Dennis McElwarth, Anchor Academy, Havre,** submitted written testimony **EXHIBIT(eds29a11)**. Also, as a part of **EXHIBIT (11), Mr. McElwarth** submitted written testimony from four students presently enrolled at Anchor Academy.

**Larry Goll, Administrator, Christ Church Academy,** submitted written testimony **EXHIBIT(eds29a12)**.

**Frank Witt, Home Schooling,** submitted written testimony **EXHIBIT(eds29a13)**.

**Jeanette Adkins, Clark Fork Valley Christian Group,** submitted written testimony **EXHIBIT(eds29a14)**. **Ms. Adkins** also conveyed a personal message to **SEN. RYAN.** She stated her family sympathizes with his experience and supports his decision to adopt. However, she believes this bill places educational consequences onto a social issue. She posed two questions to what she believes is a fatal flaw in the bill. Do you truly believe that anyone who abuses and neglects a child will actually take the time to review test results? And, if there are no consequences for low scores or failure, why give the test?



**Drew Thompson, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a15) .

**Joanne Nelson, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a16). Ms. Nelson also

**Anita Klein, Home Schooling**, expressed her opposition to the bill. She does not believe this bill will enhance her children's education. She stated she left public education because schools were removing moral accountability from instruction. She stated the problem the bill seeks to address arises from social concerns, and good home school parents should not be penalized for the problem. She stated the law indicates if her children are not being educated they may be required to attend public school.

**Joel R. Zarr, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a17) .

*{Tape: 3; Side: A; Approx. Time Counter: 0.2 - 31}*

**Michael Mikulski, Home Schooling**, stated he has defended the principles upon which this country was based many times. He believes this bill takes away a fundamental freedom: the freedom of choice. He urged the Committee table the bill.

**Karen Swink, Home Schooling**, stated her opposition to the bill. She believes one of the most important jobs she and her husband have is to train-up their children in the way they should go. She stated they take that responsibility very seriously. She believes the bill will inhibit their ability to educate their children. Ms. Swain also submitted written testimony on behalf of **Mark & Cari Reinschmidt**.

**Mark & Cari Reinschmidt, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a18) .

**Marcia Hoard, Home Schooling**, expressed opposition to the bill. She asked whether in states where testing is required, are there no children who are abused or neglected. She stated she is proud to be an American, and proud of the system created to home school children.

**Susan Dresser, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a19) .

**Hannah Estell, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a20) .

**Lani Candelora, Executive Director, Montana Catholic Conference,** submitted written testimony **EXHIBIT**(eds29a21) .

**Steven J. Wagner, Covenant Community Church,** submitted written testimony **EXHIBIT**(eds29a22) .

**Roxsanna Ryan, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a23) .

**Mark D. DeGroot, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a24) .

**Nancy Meuli, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a25) .

**Quentin Rhoades, Attorney, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a26) .

**Dr. Cameron Parham, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a27)

**Rebecca Bitz, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a28) .

**Chris Thompson, Home Schooling,** stated he is a father of five children and has been home schooling for sixteen years. He is supportive of **SEN. RYAN's** sentiments, however, he does not believe this bill addresses those issues.

**Janislynn Isackson, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a29) .

**Georgiana Estell, Home Schooling,** stated she is a tenth grade home school student. She believes approval of this bill will compromise freedom of education, and therefore the freedom of choice.

**Bethany Estell, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a30) .

**John Barbagello, Home Schooling,** submitted written testimony **EXHIBIT**(eds29a31). **Mr. Barbagello** also submitted written testimony on behalf of **Teresa L. Chabot.**

**Teresa L. Chabot, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a32) .

**Mike Fellows, Chair, Montana Libertarian Party**, conveyed his opposition to **SB 276**. He stated the "No Child Left Behind Act" is, in his opinion, a "one-size fits all for the fifty states;" an approach which he does not care for. He does not believe this legislation provides a correct answer to problem.

*{Tape: 3; Side: B; Approx. Time Counter: 2.4 - 31}*

**Heidi Deadmond, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a33).

**Karen Webb, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a34).

**Lois Gilge, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a35). Ms. Gilge also submitted testimony on behalf of Kent Gilge.

**Kent Gilge, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a36).

**Christina Hayden, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a37).

**Jeremy Siblingrud, Home Schooling**, stated his opposition to the bill.

**Rachel Siblingrud, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a38). Ms. Siblingrud also submitted testimony on behalf of Paul Siblingrud.

**Paul Siblingrud, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a39).

**Erling Estell, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a40). Mr. Estell also submitted testimony on behalf of Jonie Estell.

**Jonie Estell, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a41).

**Rich & Cindi Jarvis, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a42).

**Steven T. Lloyd, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a43).

**Rebecca Wahl, Home Schooling**, submitted written testimony **EXHIBIT (eds29a44)**.

**Scott Wagner, Home Schooling**, stated his opposition to the bill. He stated he is the father of five home schooled children and his family has been home schooling for nine years.

**Jeff Strong, Home Schooling, Bozeman**, reiterated concerns expressed by prior opponents. He believes the bill selects the wrong group of people to address the problem. **Mr. Strong** also submitted testimony on behalf of **Millda Freeman**.

**Millda Freeman, Home Schooling, in absentia**, submitted written testimony **EXHIBIT (eds29a45)**.

**Harris Hymes, Pastor, Big Sky Christian Center, & Attorney**, made an observation regarding the children present during the hearing. He believes home schooled children have a strong sense of respect and discipline; providing a strong testimony to the home school movement. He stated what can be clearly seen is a sense of fear in the home school community of government and the department of education. He believes a lot of the fear is justified, because the federal department of education exists despite being in violation of the tenth amendment. Nothing in the United States Constitution provided for the federal government having a department of education. He believes home school parents are aware of, and in opposition to, the teaching of evolution, the advance of homosexual beliefs, etceteras; those ideas perpetuated by the NEA and MEA. He believes **SEN. RYAN**, and others, should focus on providing a system of education that can be trusted and is more aligned with Christian tenets and beliefs. Relying upon a quote from Lord Acton, he stated the power to test is the power dictate and, likewise, the power to destroy.

**Tyler Stockton, Home Schooling**, stated he is a sixteen year old home schooled student from Helena. He stated took the PSAT and scored in the 85th percentile as a sophomore. He believes home schooling works, he has been taught beyond his grade level and is not stuck in the system. He urged the Committee not support the bill.

**Alan Brekke, on behalf of himself**, stated his opposition to the bill arises not because of a belief in home schooling necessarily, but because he is one of the people standardized testing would have thrown away. He conveyed his own educational history, and his experiences working with the United States government. **Mr. Brekke** believes **SEN. RYAN's** bill forces conformity, and does nothing to protecting the individual child.

Cailey Anderson, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a46) .

Skye Anderson, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a47) .

Cathy Anderson, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a48) .

Benton Anderson, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a49) .

Mrs. J.M. Baber, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a50). Mrs. Baber also submitted testimony on behalf  
of Eileen Guthrie.

Eileen Guthrie, Home Schooling, *in absentia*, submitted written  
testimony **EXHIBIT**(eds29a51) .

Linda Darelus, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a52) .

Carol Hughes, Eagle Mountain Christian Academy, submitted written  
testimony **EXHIBIT**(eds29a53) .

Karen Gillespie, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a54) .

Johannah Isackson, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a55) .

Jesse Anderson, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a56) .

Katie Butcher, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a57) .

Raven Songer, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a58) .

Jeffrey Moring, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a59) .

Ryan Songer, Home Schooling, submitted written testimony  
**EXHIBIT**(eds29a60) .

**Fred Skierka, Home Schooling**, conveyed his opposition to the bill. He stated he has twelve children and it is his choice to train and teach those children in the manner God wanted.

**John Harris, Home Schooling**, conveyed his family's opposition to SB 276.

**Erik Harris, Home Schooling**, stated his opposition to SB 276.

**Jeanne Johnson, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a61).

**Sherry Foth, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a62).

**Earl Charles, Home Schooling**, stated he is a new resident and business owner in Montana. He stated his move to Montana was based on his perception regarding Montana's future, and also because of Montana's home school laws. **Mr. Charles** believes his wife has done an incredible job teaching their three children. He requested the Committee table the bill.

**Hendrick Mills, Principal, Faith Christian School**, stated he is certified in the state of Montana to teach math and Spanish. He stated **SEN. RYAN's** stories, while problematic, are not indicative of the issue. He conveyed a personal story that occurred in his own son's fifth grade class. He stated violence, drug use, and teachers who promote gambling, occur regularly in public schools. While home schools may have some problems, testing will not address those problems.

*{Tape: 4; Side: A; Approx. Time Counter: 0.2 - 20.2}*

**David Wahl, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a63).

**Julie Mill, Executive Director, Montana Family Coalition**, stated her organization represents over 40,000 Montana families. She stated she is the mother of two daughters who have been home schooled, and her eldest is attending Carroll College on a scholarship. Home schooling has been a pleasant and wonderful experience for her family. She believes what the Committee can see is a bunch of parents who really love their children, who want the ultimate best, and who feel compelled by the word of God to take their children out of public school and home school them. Additionally, she believes this is the result the government is trying to get: parents who care about their children, who give their lives raising their children and to teaching them what they feel is the most important thing. She believes **SEN. RYAN's** bill

attempts to punish parents who have achieved this goal. She recognizes his concerns are legitimate, but notes there are laws to protect children who are being abused. She thinks the parents in attendance are doing a wonderful job. She requested the Committee table the bill.

**Jenny Dodge, Citizens' Network**, submitted written testimony **EXHIBIT**(eds29a64). **Ms. Dodge** also conveyed that she does not believe **SEN. RYAN** brought this bill for the reasons he stated. She believes the bill contains a hidden intention to control home schooling.

**David Farren, Home Schooling**, conveyed opposition to the bill on behalf of himself, his wife, and four home schooled children.

**Lisa Lord, Home Schooling**, stated she is in opposition to the bill because she tried the public school system with its' standardized curriculum and discovered it was not right for her or her children. She stated her opposition and expressed appreciation to the Committee.

**Jay C. Rickel, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a65). **Mr. Rickel** also submitted testimony on behalf of his six children: **Jessica, Jay, Jr., Paige, Emily, Anna & Katie** **EXHIBIT**(eds29a66).

**Travis Butcher, Home Schooling**, stated his opposition to the bill and agreement with the previous testimony in opposition. **Mr. Butcher** also submitted testimony on behalf of **Rebekah Allison, Anita Songer, Cali Songer, and Bobbissue Isackson**.

**Rebekah Allison, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a67).

**Anita Songer, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a68).

**Cali Songer, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a69).

**Bobbissue Isackson, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a70).

**Tracy Logan Lind, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a71). **Ms. Logan Lind** also submitted testimony on behalf of: **Kent Logan, Jake Lind, L. Jewell Porter, Dawn R. Logan, and Ty Ogle**.



**Kent Logan, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a72) .

**Jake Lind, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a73) .

**L. Jewell Porter, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a74) .

**Dawn R. Logan, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a75) .

**Ty Ogle, Home Schooling**, stated he was twelve years old and had been home educated nearly all his life. He also submitted written testimony **EXHIBIT**(eds29a76) .

**Jay Rickel, Jr., Home Schooling**, on behalf of himself and his siblings, urged the Committee to oppose **SB 276**.

**Barda Allen, Resource Center for Alternative Education**, submitted written testimony **EXHIBIT**(eds29a77) . **Ms. Allen** also submitted testimony on behalf of: **Matt Wilson** and **Dana Hoffman**.

**Matt Wilson, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a78) .

**Dana Hoffman, Home Schooling, in absentia**, submitted written testimony **EXHIBIT**(eds29a79) .

**Levi Logan, Home Schooling**, began home schooling this year and believes it is good.

**Tracy Rickel, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a80) .

**Laura Oswell, Home Schooling**, stated she and her husband have home schooled their children for ten years and it has been a wonderful experience. She conveyed her family's opposition to **SB 276**.

**Lane Zarr, Home Schooling**, stated her family began their home school experience seventeen years ago. They have home schooled in Nebraska, New York, and California. Although New York has the most rigid laws with regard to home schooling, she does not believe anything in the law made her a better home school parent.

**Colleen Turk, Home Schooling**, submitted written testimony **EXHIBIT**(eds29a81) .



**Russ Wahl, Home Schooling**, submitted written testimony **EXHIBIT(eds29a82)**. **Mr. Wahl** also submitted testimony on behalf of **Rick & Susan Jacobs**.

**Rick & Susan Jacobs, Home Schooling, in absentia**, submitted written testimony **EXHIBIT(eds29a83)**.

**Mike Baer, Home Schooling**, stated he was present to stand-up for his rights as a home school parent. He urged the Committee to vote against the bill because he appreciates his rights and freedoms as an American and as a father to home school his children and raise them in a way he sees fit. He stated he has raised his children to be God fearing, honest citizens who obey the law.

**Larry Bitz, Home Schooling**, submitted written testimony **EXHIBIT(eds29a84)**.

**Ann K. Bitz, Home Schooling**, submitted written testimony **EXHIBIT(eds29a85)**.

**Brooke Anderson, Home Schooling**, on behalf of himself, his wife, and four children, requested the Committee oppose the bill.

**Peggy Miller, Home Schooling**, submitted written testimony **EXHIBIT(eds29a86)**.

**Katheryn Craig, Home Schooling**, submitted written testimony **EXHIBIT(eds29a87)**.

**Mark Roedel, Home Schooling**, submitted written testimony **EXHIBIT(eds29a88)**.

**Ronald Isackson, Sr., Home Schooling, in absentia**, submitted written testimony **EXHIBIT(eds29a89)**.

**Wendy MacNeill, Home Schooling, in absentia**, submitted written testimony **EXHIBIT(eds29a90)**.

**Greg & Kimberly Joner, Home Schooling, in absentia**, submitted written testimony **EXHIBIT(eds29a91)**.

**Rowland & Christine Riffel, Home Schooling, in absentia**, submitted written testimony **EXHIBIT(eds29a92)**.

**Dr. & Mrs. Forrest Lanchbury, Home Schooling, in absentia**, submitted written testimony **EXHIBIT(eds29a93)**.

**James & Catherine Carroll, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a94) .

**Emily Faber, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a95) .

**Colleen Faber, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a96) .

**Gilda Clancy, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a97) .

**Kenneth & Kathryn Kay, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a98) .

**Becky Stockton, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a99) .

**Bobbie Rossignol, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a100) .

**Georgianna Estell,, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a101) .

**Peter and Erli Martinson, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a102) .

**William Hay Powell, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a103) .

**Rhoda Powell, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a104) .

**Bettina Schubert, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a105) .

**Jolene J. Brush, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a106) .

**Chris Thompson, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a107) .

**Laura Oswell, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a108) .

**David & Cathie Sheldon, Home Schooling, in absentia,** submitted written testimony **EXHIBIT**(eds29a109) .

Joe Schwem, Home Schooling, *in absentia*, submitted written testimony **EXHIBIT**(eds29a110).

Shelly Bunde Videon, Home Schooling, *in absentia*, submitted written testimony **EXHIBIT**(eds29a111).

Donald C. Brigham, Jr., Home Schooling, *in absentia*, submitted written testimony **EXHIBIT**(eds29a112).

Cherilyn DeVries, Home Schooling, *in absentia*, submitted written testimony **EXHIBIT**(eds29a113).

Questions from Committee Members and Responses:

{Tape: 4; Side: A; Approx. Time Counter: 20.4 - 31}

{Tape: 4; Side: B; Approx. Time Counter: 2.2 - 25.7}

**SENATOR JIM ELLIOTT** asked **SEN. RYAN** what will be done with test scores. **SEN. RYAN** explained his thoughts on the bill, and a suggested amendment. Whatever the score, the result would be given to the parent and there would be a cumulative score for the state.

**SEN. ELLIOTT**, relying on **Mr. White's** testimony regarding home school children testing in the seventy-third percentile, asked about his statement regarding students in public schools. **Mr. White** replied the average for children in traditional schools is in the fiftieth percentile. In Montana, for the same year, the average was the sixty-third percentile. **SEN. ELLIOTT** inquired about the test given to home schooled children to which **Mr. White** referred. **Mr. White** replied the test the study relied upon was the "Iowa Basics Test." His organization raised money to have the test administered so as to provide a comparison against other state's home schooled children. He outlined how the comparison was completed. **SEN. ELLIOTT** stated the study compared a voluntary sample (not a random sample) of home school students against the entire population of public school K-12 students; noting, this is not a scientific comparison. **Mr. White** stated he believes the research is accurate.

**SENATOR EDWARD BUTCHER** stated he was confused by **SEN. RYAN's** testimony on child abuse and its' correlation to home schooling. He asked for further clarification. **SEN. RYAN** replied there are a number of county superintendents who know of people using the law as a loophole, and children who are being denied an education. He reiterated that **Mr. White** did not communicate with him despite his requests. While he may not believe testing will provide the entire answer, it is a beginning. **SEN. BUTCHER**

stated there are statute books filled with law on child abuse, and that he too has heard rumors about children not being educated. When he has asked county superintendents to name those children, no one will provide an answer. **SEN. RYAN** replied by providing an example, and urged **SEN. BUTCHER** to do additional research. **SEN. BUTCHER** asked why county superintendents are not bringing allegations to county attorneys. **SEN. RYAN** explained county superintendents do not have the right to evaluate anything about the home schooling process.

**SENATOR JEFF MANGAN** inquired whether **Mr. White** could suggest a manner to accomplish the goal desired; i.e., with regard to the ensuring the safety and education of children. **Mr. White** replied, leave the laws the way they are. He outlined the prior history of this legislation.

**SEN. MANGAN** stated his appreciation for **SEN. RYAN's** efforts, but noted he is concerned with the constitutionality of the bill. **SEN. RYAN** replied, if there was a constitutional problem with testing children, no state would be allowed to do so. He stated he is open to finding an solution that is acceptable to the home schooling community. **SEN. MANGAN** asked if **SEN. RYAN** could see a potential problem, in the private school arena, with regard to separation of church and state. **SEN. RYAN** replied in the negative.

**SENATOR BOB STORY**, referring to the memorandum from the Department of Education provided by **Mr. Black**, stated the memorandum contains two main points: 1) "No Child Left Behind" does not apply to home schooled children; and, 2) home schooled children are exempt from state assessments for the Act. He asked whether **Mr. Black's** position is that no test which measures basic skills can be applied to home schools. **Mr. Black** replied the Act exempts home schooled children, therefore, this legislation is in violation of federal law. With regard to state tests which attempt to comply with the Act, and that already require testing of home schooled students, **Mr. Black** believes they will need to develop different tests for home schooled students in order not to violate the law.

**SEN. ELLIOTT**, referring again to the study provided by **Mr. White**, encouraged **Mr. White** to use caution in the types of studies relied upon for the foundation of an argument. He also stated, although he believes the problems **SEN. RYAN** is attempting to address are real, he does not think this bill is the solution. **Mr. White** stated his organization did not provide the study in order demonstrate the validity of their argument. He also

reiterated he previous answer regarding how the study was completed.

**Closing by Sponsor:**

***{Tape: 4; Side: B; Approx. Time Counter: 25.8 - 31}***

***{Tape: 5; Side: A; Approx. Time Counter: 0.2 - 3.2}***

**SEN. RYAN** expressed appreciation to the Committee for a good hearing, and to all those who came to testify in opposition. In response to the witness in opposition who stated he should not be believed because he had an ulterior motive for bringing this bill forward, **SEN. RYAN** replied he takes offense to the comment because the individual has never met him. While this bill may not be the way to accomplish the goal, he does believe the protection of children is important. He spoke to concerns regarding standardized testing. He emphasized he believes the majority of home school parents are doing a very good job, and that they care deeply about their children.

**HEARING ON SB 299**

**Sponsor:** SENATOR FRED THOMAS

**Proponents:** Charles Dresser  
Jamie Wick, self  
Darreld Scott, self  
Dave Wick, self

**Opponents:** NONE

**Informational Witnesses:** NONE

**Opening Statement by Sponsor:**

***{Tape: 5; Side: A; Approx. Time Counter: 4.3 - 10.2}***

**SENATOR FRED THOMAS, SD 31, Stevensville**, brought forward a bill allowing an internet-based religious educational institution to offer post-secondary education without the approval of the Board of Regents. He explained the bill will allow specific institutions to operate without the academic requirement of being accredited. **SEN. THOMAS** explained his personal connection to **Mr. Dresser**, and how this proposal arose.

**Proponents' Testimony:**

**{Tape: 5; Side: A; Approx. Time Counter: 10.5 - 30.1}**

**Charles Dresser, PhD.**, submitted written testimony  
**EXHIBIT (eds29a114)**.

**Jamie Wick, Self**, conveyed her family's support for the bill. She explained her own son will be attending Excelsior College via the internet in the fall. She would like the option of providing him the choice of an internet-based education in Montana.

**Darreld Scott, Self**, stated his daughter attends a private Christian college in Iowa which is very expensive. Making an option such as this available would be very helpful to numerous people.

**Dave Wick, self**, conveyed his own experience with regarding to telecommunications. He also expressed support for the bill.

**Questions from Committee Members and Responses:**

**{Tape: 5; Side: B; Approx. Time Counter: 2.3 - 25.5}**

**SEN. MANGAN**, speaking to the previous history of "diploma mills," asked **SEN. THOMAS** to address that concern. **SEN. THOMAS** replied language can be added to the bill to allow the Department of Administration to create rules for operation.

**SENATOR MIKE COONEY** asked, were the legislation to pass, if **Mr. Dresser** intended to become accredited in the future, and under what process. **Mr. Dresser** replied the bill seeks exemption from required accreditation from the Northwest Association prior to granting degrees. He noted there are other routes, and they may seek accreditation through one of those agencies in the future. He is not opposed to having requirements established to ensure education is occurring.

**SEN. STORY** inquired what types of degrees the school will offer. **Mr. Dresser** responded, initially, Computer Science, Computer Engineering, Business Administration, and Liberal Arts. **SEN. STORY** asked if the degrees would be Bachelor of Arts, Bachelor of Science, and so forth. **Mr. Dresser** replied in the affirmative.

**SEN. STORY** inquired whether there might be a constitutional problem with the legislation's exemption of solely religious institutions. **SEN. THOMAS** replied in the negative, noting, however, he would seek additional advise on the question. **SEN. STORY** asked about the bill's "on-line" learning requirement; as

opposed, for example, to distance learning. **SEN. THOMAS** replied the language can be modified if necessary.

**SENATOR TOM ZOOK**, referring to **Mr. Dresser's** response regarding requirements being imposed, asked if he had heard the response correctly. **Mr. Dresser** replied he was not in opposition to having the Department of Administration having some authority so as to ensure diploma mills could not use the law. **SEN. ZOOK** inquired how the Department of Administration was chosen for regulation. **Mr. Dresser** replied the Department was responsible for eliminating the diploma mills in the first place.

**SEN. BUTCHER** asked about, for example, a degree in history. **Mr. Dresser** replied in the affirmative. **SEN. BUTCHER** asked for additional clarification on the process. **Mr. Dresser** stated, depending on the area, the requirements may vary. He briefly explained what they are hoping to achieve.

**SENATOR JERRY BLACK** asked for the number of students anticipated from out-of-state. **Mr. Dresser** replied there would be some competition; noting the proposal is for a Christian based program. With regard to courses of study and cost, **Mr. Dresser** replied it will be considerably less.

**Closing by Sponsor:**

***{Tape: 5; Side: B; Approx. Time Counter: 25.6 - 28.3}***

**SEN. THOMAS** expressed appreciation to the Committee. He stated he will provide the Committee with information on the constitutional issue raised. With regard to the Department of Administration, he believes they are in the best position to regulate the proposal. **SEN. THOMAS** believes this proposal is a very unique and positive opportunity.

**HEARING ON HB 279**

**Sponsor:** **SENATOR EDWARD BUTCHER**

**Proponents:** **NONE**

**Opponents:** **NONE**

**Informational Witnesses:** **Joe Lamson, on behalf of Linda McCulloch, Superintendent of Public Instruction**

**Opening Statement by Sponsor:**

**{Tape: 5; Side: B; Approx. Time Counter: 28.5 - 28.6}**

**{Tape: 6; Side: A; Approx. Time Counter: 0.2 - 11.4}**

**SENATOR EDWARD BUTCHER, SD 47, Winifred,** brought forward a bill allowing a person 19 years of age or older to enroll at a public high school; requiring a school district to admit the person; and allowing the person to be counted as one-fourth pupil for ANB purposes. He explained this bill is a companion to bills which will be heard by the Committee at a later date. He explained the need for the bill arises from a present need. He briefly outlined how the bill address present concerns.

**Informational Testimony:**

**{Tape: 6; Side: A; Approx. Time Counter: 11.5 - 13.9}**

**Joe Lamson, on behalf of Linda McCulloch, Superintendent of Public Instruction,** stated his agency has a concern about terminology contained in the bill. He stated the "Individuals With Disabilities Act," prohibits a student who has graduated from returning under the free, appropriate education requirement. The return of numerous adult students may impose an extraordinary cost to schools.

**Questions from Committee Members and Responses:**

**{Tape: 6; Side: A; Approx. Time Counter: 14.2 - 15.3}**

**SEN. STORY** inquired, if the option is available to students over nineteen, is the option available to everyone over nineteen. **Mr. Lamson** stated that is one of the reasons behind their testimony. **SEN. STORY** asked if the bill can be limited to only those who have not received a diploma or certificate. **Mr. Lamson** stated that sounded like an interesting idea.

**Closing by Sponsor:**

**{Tape: 6; Side: A; Approx. Time Counter: 15.5 - 20}**

**SEN. BUTCHER** explained the correlation between this bill and another dealing with remedial classes. He expressed appreciation to the Committee.



**ADJOURNMENT**

Adjournment: 8:30 P.M.

---

SEN. BILL GLASER, Chairman

---

TARI ELAM, Secretary

BG/TE

**EXHIBIT** (eds29aad)